

Applic. No. 10/033,127
Amdt. dated January 23, 2006
Reply to Office action of September 23, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 2-5, 7, 10, and 12 remain in the application. Claims 2-5, 10, and 12 have been amended. Claims 1, 11, 13, and 14 were previously cancelled from the application. Claims 8 and 9 are being cancelled herewith.

In item 2 on page 2 of the final Office action dated September 23, 2005, claims 2-4, 7-10, and 12 have been rejected as being obvious over Jeschke et al. (U.S. Patent No. 4,089,264) (hereinafter "Jeschke") in view of Dini (U.S. Patent No. 3,964,386), Dudley (U.S. Patent No. 1,798,147), and Konrad et al. (U.S. Patent Application Publication No. 2002/0014171 A1) (hereinafter "Konrad") under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 25, lines 20-24 of the specification.

Applic. No. 10/033,127

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Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 10 and 12 call for, *inter alia*:

a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller.

The amendments to claims make it explicitly clear that one metering element is provided in the present invention as claimed. The claims do not claim more than one metering element. Therefore, it is respectfully believed that the Examiner's comments on pages 10-11 of the final Office action, pertaining to the term "only" and to the inclusion of more than one metering element are no longer pertinent.

It is noted that the corporate assignee of the Jeschke reference is also the assignee of the instant application. Therefore, applicants are very familiar with Jeschke.

The Jeschke reference discloses an inking unit for printing machines. The inking unit has a ductor knife (6), which is divided along its length into zones (9). Each zone (9) is

Applic. No. 10/033,127

Amdt. dated January 23, 2006

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controlled by a respective assembly, which includes a lever (14) and a strap (15) connected to an electromagnet (11).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above given comment the Jeschke does not show or suggest a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller, as recited in claims 1, 10, and 11 of the instant application.

The Jeschke reference discloses a ductor knife that is divided into separate zones controlled by a respective assembly, which includes a lever and a strap connected to an electromagnet. Jeschke does not disclose a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller. This is contrary to the invention of the instant application as claimed, in which a single metering element operatively engages with a roller, the roller is one of an ink form roller and a roller operatively engaging with an ink form roller.

Applic. No. 10/033,127

Amdt. dated January 23, 2006

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Neither Dini, Dudley, nor Konrad make up for the deficiencies of Jeschke.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since claim 10 is believed to be allowable, dependent claims 2-4 and 7 are believed to be allowable as well.

In item 3 on page 9 of the Office action, claim 5 has been rejected as being obvious over Jeschke (U.S. Patent No. 4,089,264) in view of Dini (U.S. Patent No. 3,964,386), Dudley (U.S. Patent No. 1,798,147), and Konrad (U.S. Patent Publication No. 2002/0014171 A1) and further in view of Cappel et al. (U.S. Patent No. 3,913,479) (hereinafter "Cappel"). Cappel does not make up for the deficiencies of Jeschke, Dini, Konrad and Dudley. Since claim 10 is believed to be allowable, dependent claim 5 is believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 10 or 12. Claims 10 and 12 are, therefore, believed to be patentable over the art

- . Applic. No. 10/033,127
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and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 2-5, 7, 10, and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$120 in accordance with Section 1.17 is enclosed herewith.

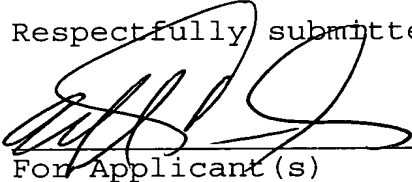
Applic. No. 10/033,127

Amdt. dated January 23, 2006

Reply to Office action of September 23, 2005

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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